

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In the Matter of:
STEPHANIE Y. BURGESS

Chapter 13
Case No. 19-29382-BHL

Debtor.

NOTICE OF TELEPHONE HEARING ON TRUSTEE'S OBJECTION TO CONFIRMATION

PLEASE TAKE NOTICE that Scott Lieske, Standing Chapter 13 Trustee has filed papers with the court objecting to the proposed Chapter 13 plan filed by the Debtor.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

A telephone hearing will be held before the Honorable Brett H. Ludwig, United States Bankruptcy Judge, on **December 17, 2019 at 1:00 p.m.**, to consider the Trustee's Objection to Confirmation. **To appear by telephone, you must call the Court conference line at 1-888-808-6929, access code 5457889 before the scheduled hearing time.** Please note that the Court may already be in session, so please wait quietly on the telephone for your case to be called.

Dated at Milwaukee, Wisconsin, on November 13, 2019.

/s/ _____
Scott Lieske, Trustee
Robert W. Stack, Staff Attorney
Christopher D. Schimke, Staff Attorney
Sandra M. Baner, Staff Attorney
Chapter 13 Standing Trustee
P.O. Box 510920
Milwaukee, Wisconsin 53203
T: (414) 271-3943
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In the Matter of:
STEPHANIE Y. BURGESS

Chapter 13
Case No. 19-29382-BHL

Debtor.

TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S PROPOSED CHAPTER 13 PLAN

The Trustee, Scott Lieske, hereby objects to the proposed Chapter 13 Plan in this bankruptcy proceeding for the following reason(s):

The Debtor provides for the secured claims held by Get It Now and Wisconsin Auto Title Loans in section 3.2 of the plan but the Debtor did not serve the plan on these creditors according to Fed. R. Bankr. P. 7004 as required by Fed. R. Bankr. P. 3012(b).

The Trustee is unable to determine if the plan satisfies 11 U.S.C. § 1325(a)(6) and § 1325(b). The Debtor failed to provide documentation to the Trustee of the Home Healthcare income and did not provide sufficient paystubs to support the claimed wage income on Schedule I.

The Debtor does not appear to be contributing all disposable income to the plan as required by 11 U.S.C. § 1325(b). Schedule J lists \$100 per month for home maintenance/repair/upkeep, \$150 per month for clothing/laundry/dry cleaning, \$150 per month for personal care products/services and \$100 per month listed as "Grandchildren". The Debtor should provide documentation to support these expenses along with an explanation as to why these expenses are reasonably necessary for the maintenance and support of the Debtor or amend Schedule J to lower or remove these expenses.

The Trustee is unable to verify the applicable commitment period pursuant to 11 U.S.C. § 1325(b) as the Debtor did not provide sufficient paystubs to verify the wages disclosed on Form 122C-1.

Due to the claim filed by the IRS, the plan is not feasible as proposed.

The plan currently proposes payment of the Wisconsin Department of Revenue secured claim at 4% interest. The applicable interest rate on secured claims held by the Wisconsin Department of Revenue is 12%. The plan should be amended to provide for 12% interest on the secured claim held by the Wisconsin Department of Revenue as required by 11 U.S.C. § 511(b).

Dated at Milwaukee, Wisconsin, on November 13, 2019

OFFICE OF CHAPTER 13 TRUSTEE

/s/ _____
Scott Lieske, Chapter 13 Trustee
Robert W. Stack, Staff Attorney
Christopher D. Schimke, Staff Attorney
Sandra M. Baner, Staff Attorney

P.O. ADDRESS:

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2019, the **TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S PROPOSED CHAPTER 13 PLAN and NOTICE OF TELEPHONE HEARING ON TRUSTEE'S OBJECTION TO CONFIRMATION** in this case were electronically filed with the Clerk of Court and served upon the following parties using the ECF system:

OFFICE OF THE U.S. TRUSTEE
ESSERLAW LLC

I further certify that I have mailed by United States Postal Service the same documents to the following non-ECF participants:

STEPHANIE Y. BURGESS
4323 N. 91ST ST.
MILWAUKEE, WI 53222

Dated: November 13, 2019

/s/ _____
Tongula Washington
Administrative Assistant
Office of the Chapter 13 Trustee
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Milwaukee, WI 53203
T: (414) 271-3943
F: (414) 271-9344